

Sponsor: Rep. Smith

PE-1

1A.rca. (SDE-EIA: Report Card Advertisement) If an audited newspaper of general circulation in a school district's geographic area has previously published the entire school report card results as a news item, the requirement that the school district must advertise the results of their schools' report cards in an audited newspaper of general circulation in their geographic area within 45 days shall be waived for the school district.

Public Education & Special Schools Subcommittee

PE-2

- 1.62 **AMEND** (Child Development Education Pilot Program) Establishes the South Carolina Child Development Pilot Program to provide four-year old kindergarten services to at-risk children in the 8 trial districts and if any funds remain, to expand the program to the remaining plaintiff districts in the Abbeville County School District. Directs that the program be available for the 2008-09 school year on a voluntary basis. Directs the EOC to conduct an evaluation of the pilot program and issue a report to the General Assembly by 1/1/09. Authorizes unexpended funds to be carried forward and remain in the program.

SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update school year references to "2009-10" and calendar year references to "2010." Direct that after expanding to the remaining plaintiff school districts, the program is expanded to eligible children residing in school districts with a 90% or greater poverty index. Allow providers to request waivers to the ECD 101 requirement for assistants demonstrating their completion of either comparable coursework or possessing an extensive experiential background. Change the funded cost per child from "\$4,093" to "\$4,262" for the 2009-10 school year. Direct that providers enrolling between 1 & 6 eligible children are eligible to receive up to \$1,000 per child in materials and equipment grant funds and those enrolling 7 or more eligible for up to \$10,000. Direct that providers that receive these grants are expected to participate in the program and provide high-quality, center-based programs for a minimum of 3 years and if they fail to participate for three years a portion of the equipment allocation must be returned at a level determined by the department Office of First Steps. Direct that school districts who participate in the program are not eligible to receive EIA funding for half-day early childhood development programs. Update the due date for the EOC to submit findings on the program to the General Assembly to "2010." Direct the EOC, in compliance with Section 59-6-110 [DUTIES OF ACCOUNTABILITY DIVISION], to contract out for a fiscal audit of the South Carolina Child Development Education Pilot Program. Direct that the report include a county by county assessment of existing public and private classroom capacity approved for at-risk 4 year old kindergarten students based on data collected every three years. Direct that the 2010 evaluation also include: (1) a determination of the factors including policy issues, leadership characteristics and community concerns that led to substantial increases in the number of CDEPP participants served in specific districts and counties; (2) a determination of the factors that influence the continuity of CDEPP student enrollment across the full 180-day program and policy or programmatic changes needed to assure that CDEPP participants fully benefit from the program; (3) a determination of how many private childcare center teachers are pursuing a 4 year degree and the barriers incurred in obtaining the degree; and (4) a review of any formalized plan or evaluation data to assess the quality and impact of professional development and training provided by the Office of First Steps and the Department of Education to CDEPP teachers. Fiscal Impact: PENDING.

1.62. (SDE: Child Development Education Pilot Program) There is created the South Carolina Child Development Education Pilot Program (CDEPP). This program shall be available for the ~~2008-2009~~ 2009-10 school year on a voluntary basis and shall focus on the developmental and learning support that children must have in order to be ready for school and must incorporate parenting education.

(A) For the ~~2008-2009~~ 2009-10 school year, with funds appropriated by the General Assembly, the South Carolina Child Development Education Pilot Program shall first be made available to eligible children from the following eight trial districts in Abbeville County School District et. al. vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3. With any remaining funds available, the pilot shall be expanded to the remaining plaintiff school districts in Abbeville County School District et. al. vs. South Carolina and then expanded to eligible children residing in school districts with a poverty index of 90% or greater. Priority shall be given to implementing the program first in those of the

plaintiff districts which participated in the pilot program during the 2006-2007 school year, then in the plaintiff districts having proportionally the largest population of underserved at-risk four-year-old children. During the implementation of the pilot program, no funds appropriated by the General Assembly for this purpose shall be used to fund services to at-risk four-year-old children residing outside of the trial or plaintiff districts.

The Education Oversight Committee shall conduct an evaluation of the pilot program and shall issue a report to the General Assembly by January 1, ~~2009~~ 2010. The report shall include a comparative evaluation of children served in the pilot program and children not served in the pilot program. Additionally, based on the evaluation of the pilot program, the Education Oversight Committee shall include recommendations for the creation of and an implementation plan for phasing in the delivery of services to all at-risk four-year-old children in the state.

Unexpended funds from the prior fiscal year for this program shall be carried forward and shall remain in the program. In rare instances, students with documented kindergarten readiness barriers may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.

(B) Each child residing in the pilot districts, who will have attained the age of four years on or before September 1, of the school year, and meets the at-risk criteria is eligible for enrollment in the South Carolina Child Development Education Pilot Program for one year.

The parent of each eligible child may enroll the child in one of the following programs:

(1) a school-year four-year-old kindergarten program delivered by an approved public provider; or

(2) a school-year four-year-old kindergarten program delivered by an approved private provider.

The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child's birth certificate, immunization documentation, and documentation of the student's eligibility as evidenced by family income documentation showing an annual family income of 185% or less of the federal poverty guidelines as promulgated annually by the U.S. Department of Health and Human Services or a statement of Medicaid eligibility.

In submitting an application for enrollment, the parent agrees to comply with provider attendance policies during the school year. The attendance policy must state that the program consists of 6.5 hours of instructional time daily and operates for a period of not less than 180 days per year. Pursuant to program guidelines, noncompliance with attendance policies may result in removal from the program.

No parent is required to pay tuition or fees solely for the purpose of enrolling in or attending the program established under this provision. Nothing in this provision prohibits charging fees for childcare that may be provided outside the times of the instructional day provided in these programs.

(C) Public school providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Department of Education. Private providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Office of First Steps. The application must be submitted on the forms prescribed, contain assurances that the provider meets all program criteria set forth in this provision, and will comply with all reporting and assessment requirements.

Providers shall:

(1) comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;

- (2) comply with all state and local health and safety laws and codes;
- (3) comply with all state laws that apply regarding criminal background checks for employees and exclude from employment any individual not permitted by state law to work with children;
- (4) be accountable for meeting the education needs of the child and report at least quarterly to the parent/guardian on his progress;
- (5) comply with all program, reporting, and assessment criteria required of providers;
- (6) maintain individual student records for each child enrolled in the program to include, but not be limited to, assessment data, health data, records of teacher observations, and records of parent or guardian and teacher conferences;
- (7) designate whether extended day services will be offered to the parents/guardians of children participating in the program;
- (8) be approved, registered, or licensed by the Department of Social Services; and
- (9) comply with all state and federal laws and requirements specific to program providers.

Providers may limit student enrollment based upon space available. However if enrollment exceeds available space, providers shall enroll children with first priority given to children with the lowest scores on an approved pre-kindergarten readiness assessment. Private providers shall not be required to expand their programs to accommodate all children desiring enrollment. However, providers are encouraged to keep a waiting list for students they are unable to serve because of space limitations.

(D) The Department of Education and the Office of First Steps to School Readiness shall:

- (1) develop the provider application form;
- (2) develop the child enrollment application form;
- (3) develop a list of approved research-based preschool curricula for use in the program based upon the South Carolina Content Standards, provide training and technical assistance to support its effective use in approved classrooms serving children;
- (4) develop a list of approved pre-kindergarten readiness assessments to be used in conjunction with the program, provide assessments and technical assistance to support assessment administration in approved classrooms serving children;
- (5) establish criteria for awarding new classroom equipping grants;
- (6) establish criteria for the parenting education program providers must offer;
- (7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;
- (8) develop a list of data collection needs to be used in implementation and evaluation of the program;
- (9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;
- (10) establish criteria for granting student retention waivers; and
- (11) establish criteria for granting classroom size requirements waivers.

(E) Providers of the South Carolina Child Development Education Pilot Program shall offer a complete educational program in accordance with age-appropriate instructional practice and a research based preschool curriculum aligned with school success. The program must focus on the developmental and learning support children must have in order to be ready for school. The provider must also incorporate parenting education that promotes the school readiness of preschool children by strengthening parent involvement in the learning process with an emphasis on interactive literacy.

Providers shall offer high-quality, center-based programs that must include, but shall not be limited to, the following:

(1) employ a lead teacher with a two-year degree in early childhood education or related field or be granted a waiver of this requirement from the Department of Education or the Office of First Steps to School Readiness;

(2) employ an education assistant with pre-service or in-service training in early childhood education;

(3) maintain classrooms with at least 10 four-year-old children, but no more than 20 four-year-old children with an adult to child ratio of 1:10. With classrooms having a minimum of 10 children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public providers or by the Office of First Steps to School Readiness for private providers on a case-by-case basis;

(4) offer a full day, center-based program with 6.5 hours of instruction daily for 180 school days;

(5) provide an approved research-based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social/emotional development;

(6) engage parents' participation in their child's educational experience that shall include a minimum of two documented conferences per year; and

(7) adhere to professional development requirements outlined in this article.

(F) Every classroom providing services to four-year-old children established pursuant to this provision must have a lead teacher with at least a two-year degree in early childhood education or related field and who is enrolled and is demonstrating progress toward the completion of a teacher education program within four years. Every classroom must also have at least one education assistant per classroom who shall have the minimum of a high school diploma or the equivalent, and at least two years of experience working with children under five years old. The teaching assistant shall have completed the Early Childhood Development Credential (ECD) 101 or enroll and complete this course within twelve months of hire. Providers may request waivers to the ECD 101 requirement for those assistants who have demonstrated sufficient experience in teaching children 5 years old and younger. The providers must request this waiver in writing to their designated administrative agency (First Steps or the Department of Education) and provide appropriate documentation as to the qualifications of the teaching assistant.

(G) The General Assembly recognizes there is a strong relationship between the skills and preparation of pre-kindergarten instructors and the educational outcomes of students. To improve these education outcomes, participating providers shall require all personnel providing instruction and classroom support to students participating in the South Carolina Child Development Education Pilot Program to participate annually in a minimum of 15 hours of professional development to include teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age-appropriate progress of pre-kindergarten students in developing emergent literacy skills, including but not limited to, oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

(H) Both public and private providers shall be eligible for transportation funds for the transportation of children to and from school. Nothing within this provision prohibits providers from contracting with another entity to provide transportation services provided the entities adhere to the requirements of Section 56-5-195. Providers shall not be responsible for transporting students attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be responsible for transportation. When transporting four-year-old child development students, providers shall make every effort to transport them with students of similar ages attending the same school. Of the amount appropriated for the program, not more than \$185 per student shall be retained by the

Department of Education for the purposes of transporting four-year-old students. This amount must be increased annually by the same projected rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act.

(I) For all private providers approved to offer services pursuant to this provision, the Office of First Steps to School Readiness shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and
- (9) promulgate guidelines as necessary for the implementation of the pilot program.

(J) For all public school providers approved to offer services pursuant to this provision, the Department of Education shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and
- (9) promulgate guidelines as necessary for the implementation of the pilot program.

(K) The General Assembly shall provide funding for the South Carolina Child Development Education Pilot Program. For the ~~2008-09~~ 2009-10 school year, the funded cost per child shall be ~~\$4,093~~ \$4,262 increased annually by the rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act. Eligible students enrolling with private providers during the school year shall be funded on a pro-rata basis determined by the length of their enrollment. Private providers transporting eligible children to and from school shall be eligible for a reimbursement of \$550 per eligible child transported. Providers who are reimbursed are required to retain records as required by their fiscal agent. ~~With funds appropriated by the General Assembly, the Department of~~

~~Education shall approve grants for public providers and the Office of First Steps to School Readiness shall approve grants for private providers, of up to \$10,000 per class for the equipping of new classrooms. Providers enrolling between one and six eligible children shall be eligible to receive up to \$1,000 per child in materials and equipment grant funding, with providers enrolling seven or more such children eligible for grants not to exceed \$10,000. Providers receiving equipment grants are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to School Readiness.~~ Funding of up to two thousand five hundred dollars may be provided annually for the procurement of consumable and other materials in established classrooms. Funding to providers is contingent upon receipt of data as requested by the Department of Education and the Office of First Steps. School districts who participate in the program are not eligible to receive EIA funding for half-day early childhood development programs.

(L) Pursuant to this provision, the Department of Social Services shall:

- (1) maintain a list of all approved public and private providers; and
- (2) provide the Department of Education, the Office of First Steps, and the Education Oversight Committee information necessary to carry out the requirements of this provision.

(M) The Education Oversight Committee shall conduct a comparative evaluation of the South Carolina Child Development Education Pilot Program and issue their findings in a report to the General Assembly by January 1, 2009 2010. Based on information, data, and evaluation results, the Education Oversight Committee shall include as part of their report recommendations for the creation and implementation of a statewide four-year-old kindergarten program for at-risk children. The report shall also include information and recommendations on lead teacher qualifications and options for creating comparable salary schedules for certified teachers employed by private providers. In the current fiscal year, the Education Oversight Committee shall use funds appropriated by the General Assembly for four-year-old evaluation to support the annual collection of and continuous evaluation of data. In compliance with Section 59-6-110 [] the EOC will contract out for a fiscal audit of the South Carolina Child Development Education Pilot Program.

The report shall also include an assessment, by county, on the availability and use of existing public and private classroom capacity approved for at-risk four-year-old kindergarten students based on data collected triennially. The report shall include, by county, the estimated four-year-old population, the total number of CDEPP approved four-year-old kindergarten spaces available, the number of four-year-old children enrolled in both public and private CDEPP approved facilities, and the number of children on waiting lists for either public or private providers during the reporting period. Where possible, the report shall also include anticipated four-year-old kindergarten enrollment projections for the two years following the report. The 2010 evaluation will also include the following: (1) a determination of the factors including policy issues, leadership characteristics and community concerns that led to substantial increases in the number of CDEPP participants served in specific districts and counties; (2) a determination of the factors that influence the continuity of CDEPP student enrollment across the full 180-day program and policy or programmatic changes needed to assure that CDEPP participants fully benefit from the program; (3) a determination of how many private childcare center teachers are pursuing a four-year degree and the barriers incurred in obtaining the degree; and (4) a review of any formalized plan or evaluation data to assess the quality and impact of professional development and training provided by the Office of First Steps and the Department of Education to CDEPP teachers.

To aid in this evaluation, the Education Oversight Committee shall determine the data necessary and both public and private providers are required to submit the necessary data as a

condition of continued participation in and funding of the program. This data shall include developmentally appropriate measures of student progress. Additionally, the Department of Education shall issue a unique student identifier for each child receiving services from a private provider. The Department of Education shall be responsible for the collection and maintenance of data on the public state funded full day and half-day four-year-old kindergarten programs. The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state funded programs provided through private providers. The Education Oversight Committee shall use this data and all other collected and maintained data necessary to conduct a research based review of the program's implementation and assessment of student success in the early elementary grades.

- 19.3 **AMEND** (SC Educational Broadband Service Commission/Broadband License) Creates a seven member South Carolina Educational Broadband Service Commission to obtain proposals from commercial entities for leasing excess spectrum capacity of ETV's Education Broadband Service Licenses. Directs the commission to recommend one of the proposals for approval of the Joint Bond Review Committee and subsequently the Budget and Control Board. Assigns the B&C Board responsibility for managing and administering the agreements resulting from an approved proposal upon termination of the commission (six months after all agreements are executed, or no later than June 30, 2010), and requires the board to pay expenses of the Commission up to \$750,000.

PUBLIC EDUCATION AND SPECIAL SCHOOL SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete all but the last paragraph requiring the B&C Board to pay up to \$750,000 of commission expenses. Amend to reference Act 405 of 2008 and specify that the \$750,000 for commission expenses applies to all years combined. Delete reference to the authority to use "Funded Debt Sinking Fund" and update fiscal year references. *Proviso passed as a joint resolution (Act 405 of 2008) except for the last paragraph.* Fiscal Impact: No impact on the General Fund. Maintains the requirement that the B&C Board pay up to \$750,000 of the commission's expenses. Requested by Budget and Control Board.

~~19.3. (ETV: SC Educational Broadband Service Commission/Broadband License) There is created a commission to be known as the South Carolina Educational Broadband Service Commission. All appointees must have a background of substantial duration and expertise in business. The commission shall be composed of the following seven members:~~

- ~~(1) One member of the private sector appointed by the President Pro Tempore of the Senate;~~
- ~~(2) One member of the private sector appointed by the Speaker of the House of Representatives;~~
- ~~(3) One member of the private sector appointed by the Chairman of the Senate Finance Committee;~~
- ~~(4) One member of the private sector appointed by the Chairman of the House Ways and Means Committee;~~
- ~~(5) One member of the private sector appointed by the Chairman of the State Regulation of Public Utilities Review Committee;~~
- ~~(6) One member of the private sector appointed by the Vice Chairman of the State Regulation of Public Utilities Review Committee; and~~
- ~~(7) One member of the private sector appointed by the Governor.~~

~~The commission shall elect its chairman and vice chairman at the first meeting of the commission. The appointee of the President Pro Tempore of the Senate shall call an organizational meeting for the purpose of electing officers and other matters that may arise.~~

~~The commission must meet as soon as practicable after a majority of members have been appointed. A majority of members of the commission who have been appointed shall constitute a quorum for the transaction of business. A vacancy on the commission shall not impair the ability of a quorum to exercise and perform the powers and duties of the commission.~~

~~Commission members serve at the pleasure of the appointing authority. A vacancy in the membership of the commission must be filled in the manner of the original appointment. Commission membership does not constitute an office for purposes of the prohibition on dual office holding provided in Section 3, Article VI of the Constitution of the State. Commission members are subject to the provisions of the Ethics, Government Accountability, and Campaign Reform Act, Chapter 13 of Title 8.~~

Members shall serve without compensation but are allowed the usual per diem and mileage as provided by law for members of boards, commissions, and committees while on official business.

The commission has the following powers and duties:

(1) ~~The commission shall use a competitive process to obtain proposals from commercial entities for the leasing of the excess spectrum capacity of the Education Broadband Service (EBS) licenses held by the South Carolina Educational Television Network. The commission shall seek proposals that utilize the excess spectrum capacity of the EBS licenses in the following manners: (a) a single lease of ETV's excess spectrum capacity without any service requirements; (b) a single lease of ETV's excess spectrum capacity with service requirements as recommended by the commission; (c) multiple leases on a regional basis without any service requirements, such regions to be determined by the commission; (d) multiple leases on a regional basis with service requirements as recommended by the commission, such regions to be determined by the commission; and (e) other manners deemed appropriate by the commission. The commission must also consider whether to include any lease of tower space in the proposals in the lease of excess spectrum capacity. In determining any service requirements to impose on potential lessees, the commission must consider the costs and benefits, both monetary and societal, that would be borne by or inure to the public at large, as well as the public to be served. Because broadband service may be provided using a number of different technologies, each of which has unique characteristics and advantages, the commission, in developing its recommended service requirements, must consider the costs and benefits of all methods available to deploy broadband services throughout the State, including wireline, wireless technologies utilizing other bands of the spectrum, or satellite. The commission must not impose any pricing requirements on lessees and must take steps to ensure that the state's assets are not made available to a private broadband service provider to subsidize a private company's competitive service offerings. The competitive process used by the commission shall be governed exclusively by the procedures stated herein and procedures established by the commission.~~

(2) ~~The commission shall evaluate the proposals and present the proposals and its recommendations to the Joint Bond Review Committee. The Joint Bond Review Committee shall evaluate the proposals and the commission's recommendations to determine whether a proposal shall be approved. If the Joint Bond Review Committee determines that a proposal shall be approved, this determination shall be presented at the next meeting of the Budget and Control Board for review and approval. If the Budget and Control Board does not approve a proposal, it shall be returned to the Joint Bond Review Committee for further evaluation and recommendation. The South Carolina Education Television Network must take actions necessary to facilitate the lease of the excess spectrum capacity of the EBS licenses in the manner set forth in an approved proposal and to ensure that ETV complies with any FCC rules or requirements. Revenue received by the State from an approved proposal must be deposited into the State General Fund for recommendation by the Governor and appropriation by the General Assembly.~~

(3) ~~The commission is exempt from the Consolidated Procurement Code and is authorized to engage legal counsel, consultants, or other experts to assist it in carrying out its powers and duties subject to the approval of the Executive Director of the Budget and Control Board.~~

~~The commission shall use clerical and professional employees of the Budget and Control Board. Upon request of the commission, the South Carolina Educational Television Network must make staff available to the commission.~~

~~The commission shall terminate six months after all agreements resulting from an approved proposal are finally executed or no later than June 30, 2010. Upon termination of the~~

~~commission, the Budget and Control Board shall assume responsibility for the management and administration of all agreements resulting from an approved proposal.~~

The Budget and Control Board is authorized and directed to pay for any expenses ~~of the commission incurred~~ *that the Broadband Service Commission established by 2008 Act 405 incurs* in the performance of its responsibilities, including but not limited to the cost of professional assistance, up to an aggregate amount not to exceed \$750,000 *from all years combined*. The Executive Director of the Budget and Control Board is authorized to expend and use such sources of agency funds as the director determines, ~~including the dormant Funded Debt Sinking Fund~~. In addition to any other carry forward allowed by law, the Budget and Control Board is specially authorized to carry forward from Fiscal Year ~~2007-08~~ *2008-09* into Fiscal Year ~~2008-09~~ *2009-10* unspent general fund appropriations in the maximum amount it may be required to expend in support of the commission and its activities.

6.22 CONFORM TO FUNDING (Need-Based Grant Allocation Methodology) Requires that allocation of public institutions' need-based grant funds be done using a methodology that considers state resident Pell Grant recipients such that each public institution receives a sufficient amount to provide a similar level of support per state resident Pell recipient when compared to tuition and required fees. Directs however, that no public institution receive less funds than they would have received under the allocation methodology used in FY 07-08.

SUBCOMMITTEE RECOMMENDATION: CONFORM TO FUNDING RECOMMENDATION - Delete directive that no public institution receive less funds than they would have received under the allocation methodology used in FY 07-08.

6.22. (CHE: Need-Based Grant Allocation Methodology) Need-based grant funds for public institutions must be allocated using a methodology that considers state resident Pell Grant recipients such that each public institution shall receive an amount sufficient to provide a similar level of support per state resident Pell recipient when compared to tuition and required fees. ~~However, no public institution shall receive less funding than would be provided under the methodology used in FY 2007-08.~~

Amendment:

However, no public institution shall receive ~~less~~ a smaller proportion of funding than would be provided under the student enrollment methodology used in past years ~~used in FY 2007-08.~~

Sponsor: Rep Edge

H-1

21.33. (DHHS: Upper Payment Limit for Non-State Owned Public Nursing Facilities) The department shall prepare and submit to the Center for Medicare and Medicaid Services no later than August 1, ~~2008~~ 2009, a state plan amendment to provide Medicaid supplemental payments to non-state owned public nursing facilities who qualify as Essential Public Safety Net providers. The department shall provide a report on the plan amendment to the House of Representatives Ways and Means Committee and the Senate Finance Committee by the aforementioned date.

Rep. Edge proposes

H-2

~~22.4. — (DHEC: Camp Burnt Gin) Private donations or contributions for capital improvements at Camp Burnt Gin shall be deposited in a restricted account and carried forward until sufficient amounts are available for such improvements. Any expenditures from the account must first be approved by the Budget and Control Board and the Joint Bond Review Committee.~~

Private donations or contributions for the operation of Camp Burnt Gin shall be deposited in a restricted account. These funds may be carried forwarded and shall be made available as needed to fund the operation of the Camp. Withdrawals from this restricted account must be in accordance with approved procedures.

Rep. Edge proposes :

H-4

~~2020~~. (DHHS: Medicaid Cost and Quality Effectiveness) The Department of Health and Human Services shall establish a procedure to assess the various forms of managed care (Health Maintenance Organizations and Medical Home Networks, and any other forms authorized by the department) to measure cost effectiveness and quality. These measures must be conducted by December 15 of each year. The Healthcare Effectiveness Data and Information Set (HEDIS) shall be used for quality measurement to be performed by a third party independent actuary. Cost effectiveness shall be determined in an actuarially sound manner and data must be aggregated in a manner to be determined by a third party actuary in order to adequately compare cost effectiveness of the different managed care programs. The program measures must use a case-mix adjustment that encourages the managed care organizations to enroll and manage all beneficiaries. The results of the cost effectiveness calculations and quality measures must be made available to the Speaker of the House, Chairman of the Ways and Means Committee, President Pro Tempore of the Senate, and Chairman of the Senate Finance Committee no less than 45 days after the measures have been collected.

Rep. Edge Proposes

H-5

Provided, that the funds appropriated for Hospital Rural Grants shall be allocated to public hospitals located in very rural or rural areas whose largest town is less than 25,000, or a public hospital that is a hospital district; and who is accredited by the Joint Commission on Health Care Organizations or is a Critical Access Hospital, and whose licensed bed capacity does not exceed 150 beds. Hospitals qualifying for the grants shall utilize such funds for any of the following purposes: a) the development of preventive health programs, medical homes and primary care diversion from emergency departments; b) expanded health services, including physician recruitment and retention; c) to improve hospital facilities; d) activities involving electronic medical records or claims processing systems; e) to enhance disease prevention activities in diabetes, heart disease, etc.; f) activities to insure compliance with state or federal regulations.

H - 6

Rep. Young and Edge propose

The Department of Disabilities and Special Needs cannot remove any summer camps under their purview due to reductions in their budget.

H-7

Rep. Young proposes:

The Coastal Zone Appellate panel as delineated in code section 48-39-40 under the Department of Health & Environmental Control shall be disbanded and removed from operation.

H-8

Rep. Edge Proposes:

The Department of Health & Human Services must reimburse the Medical University of South Carolina 100% of costs on all Medicaid Services rendered.

(CMRC: Coordinating Council Funds) From the amount set aside pursuant to Section 12-28-2910 of the 1976 Code, the council is authorized to expend funds which were not obligated or committed as of July 1 of the current fiscal year only as necessary for the location or expansion of an industry or business facility in South Carolina. Eligible expenditures include water/sewer projects, road or rail construction/improvement projects, land acquisition, fiber-optic cable, relocation of new employees for technology intensive and research and development facilities as defined in South Carolina Code Section 12-6-3360, and site preparation. Site preparation is defined as surveying, environmental and geo-technical study and mitigation, clearing, filling, and grading. The Coordinating Council shall annually prepare a detailed report each year for submission to the General Assembly by March 15 of each year which itemizes the expenditures from the fund for the preceding calendar year. Such report shall include an identification of the following information: (a) company name or confidential project number; (b) location of the project; (c) amount of grant award; and (d) scope of grant award.

The General Assembly shall not appropriate funds, and shall not direct the Coordinating Council to extend loans or grants nor shall the Coordinating Council extend any loans or grants from the amount set aside pursuant to Section 12-28-2910 for any purpose other than those listed in this proviso.

In order to provide maximum flexibility to encourage the creation of new jobs and capital investment, the Coordinating Council for Economic Development has the authority to transfer economic development funds at its disposal to the Closing Fund. Any unexpended balance on June 30, of the prior fiscal year may be carried forward and expended in the current fiscal year by the Department of Commerce for the same purpose.

ED - 2

Sponsor - Lucas

1.16.2009

As a proviso:

The area commission for the Florence-Darlington Technical College may waive the requirements of Chapter 112 of Title 59 for student participants in the Caterpillar Dealer Academy operated by Florence-Darlington Technical College.

Law Enforcement and Criminal Justice Budget Subcommittee

Proposes the following amendment:

#1

- A. Affected Agency Section/Code/Name:
Section: Section 46
Code: E-21
Name: SC Commission on Prosecution Coordination
- B. Related Funding Priority Number (*Leave blank if not associated with funding priority*):
- C. Proviso Number (*If new indicate "New #1," "New #2," etc.*): 46.9
- D. Action (*Indicate Amend, Delete, or Add*): Amend
- E. Descriptive Proviso Title: (PCC: Criminal Domestic Violence Prosecution)
- F. Summary of Existing or New Proviso: This proviso directs the manner in which criminal domestic violence funding is distributed to the 16 Judicial Circuits so as to provide that \$2,200,000 be apportioned equally among the circuits and the balance thereafter remaining shall be apportioned among the circuits on a per capita basis and based upon the Official Census of 2000; provides that the funds be used solely for the purpose of criminal domestic violence prosecution in the magistrate and circuit courts; directs that payment shall be made as soon after each quarter as practical; provides that each Solicitor shall designate at least one individual prosecutor per county for this purpose; provides that a Solicitor and the Attorney General may partner to accomplish these provisions; and, directs the Prosecution Coordination Commission to retain information and data on criminal domestic violence prosecutions and to provide the General Assembly with an annual report no later than 60 days after the conclusion of the fiscal year.
- G. Explanation of Amendment to/or Deletion of Existing Proviso (*If request to delete proviso is due to codification, note the section of the Code of Laws where the language has been codified*): Provides for an accounting of the expenditure of these funds as well as clarifies that the annual report to the General Assembly reflects only those charges prosecuted by assistant solicitors compensated with these funds.
- H. Explanation of How the Change Affects Current Law or Policy: Provides for an accounting of the expenditure of these funds as well as clarifies that the annual report to the General Assembly reflects only those charges prosecuted by assistant solicitors compensated with these funds.
- I. Justification:
 - a) Description of why this action is necessary: Provides for an accounting of the expenditure of these funds as well as clarifies that the annual report to the General Assembly reflects only those charges prosecuted by assistant solicitors compensated with these funds.
 - b) Description of how this action will contribute to the agency's mission:
 - c) Cite the section and reference paragraphs if included in your agency's Accountability Report: Pursuant to this proviso, an annual report is submitted to the General Assembly.

over

J. Fiscal Impact *(Include impact on each source of funds – state, federal, and other):*
Not Applicable

K. Submitted by *(Include agency name submitting change, contact person name, telephone number and email):*
William D. Bilton, Executive Director
SC Commission on Prosecution Coordination
P. O. Box 11561
Columbia, South Carolina 29211
Telephone: (803) 343-0765
Facsimile: (803) 343-0766

L. Text of New Proviso with Underline or Entire Existing Proviso Text with Strikeover and Underline:

(INSERT PROVISO FROM FY 2009-10 RENUMBERED PROVISO BASE HERE)

SECTION 46 - PROSECUTION COORDINATION COMMISSION

46.9. (PCC: Criminal Domestic Violence Prosecution) Of the amount appropriated in Part IA, Section 46, for Criminal Domestic Violence Prosecution, \$2,200,000 shall be apportioned equally among the circuits and the balance thereafter remaining shall be apportioned among the circuits on a per capita basis and based upon the Official Census of 2000. The amount appropriated shall be used solely for the purpose of criminal domestic violence prosecution in the magistrate and circuit courts. Payment shall be made as soon after the beginning of each quarter as practical. Each Solicitor shall designate at least one individual prosecutor per county for this purpose. A Solicitor and the Attorney General may partner to accomplish these provisions. The Prosecution Coordination Commission shall retain information and data on criminal domestic violence prosecutions and shall provide the General Assembly with an annual report no later than sixty days after the conclusion of the fiscal year of those charges prosecuted by assistant solicitors compensated with these funds. If not privileged information by law, the report shall at a minimum include an accounting of the expenditures of the funds as well as information and statistics regarding the location, the number and type of criminal domestic violence charges, the number of cases prosecuted, and the disposition of the cases.

Law Enforcement and Criminal Justice Budget Subcommittee

Proposes the following amendment:

2

- A. Affected Agency Section/Code/Name:
Section: Section 46
Code: E-21
Name: SC Commission on Prosecution Coordination
- B. Related Funding Priority Number (*Leave blank if not associated with funding priority*):
- C. Proviso Number (*If new indicate "New #1," "New #2," etc.*): 46.10
- D. Action (*Indicate Amend, Delete, or Add*): Amend
- E. Descriptive Proviso Title: (PCC: Driving Under the Influence Prosecution)
- F. Summary of Existing or New Proviso: This proviso directs the manner in which driving under the influence funding is distributed to the 16 Judicial Circuits so as to provide that the funds be apportioned equally among the circuits; provides that the funds be used solely for the purpose of driving under the influence prosecution in the magistrate and circuit courts; directs that payment shall be made as soon after each quarter as practical; and, directs the Prosecution Coordination Commission to retain information and data on driving under the influence prosecutions and to provide the General Assembly with an annual report no later than 60 days after the conclusion of the fiscal year.
- G. Explanation of Amendment to/or Deletion of Existing Proviso (*If request to delete proviso is due to codification, note the section of the Code of Laws where the language has been codified*):
Clarifies that the annual report to the General Assembly reflects only those charges prosecuted by assistant solicitors compensated with these funds.
- H. Explanation of How the Change Affects Current Law or Policy:
Clarifies that the annual report to the General Assembly reflects only those charges prosecuted by assistant solicitors compensated with these funds.
- I. Justification:
a) Description of why this action is necessary: Clarifies that the annual report to the General Assembly reflects only those charges prosecuted by assistant solicitors compensated with these funds.
b) Description of how this action will contribute to the agency's mission:
c) Cite the section and reference paragraphs if included in your agency's Accountability Report:
Pursuant to this proviso, an annual report is submitted to the General Assembly.
- J. Fiscal Impact (*Include impact on each source of funds – state, federal, and other*):
Not Applicable
- K. Submitted by (*Include agency name submitting change, contact person name, telephone number and email*):
William D. Bilton, Executive Director
SC Commission on Prosecution Coordination
P. O. Box 11561
Columbia, South Carolina 29211
Telephone: (803) 343-0765

over

Facsimile: (803) 343-0766

L. Text of New Proviso with Underline or Entire Existing Proviso Text with Strikeover and Underline:

(INSERT PROVISO FROM FY 2009-10 RENUMBERED PROVISO BASE HERE)

SECTION 46 - PROSECUTION COORDINATION COMMISSION

46.10. (PCC: DUI Prosecution) The amount appropriated in Part IA, Section 46, for Driving Under the Influence Prosecution shall be apportioned equally among the circuits. The amount appropriated shall be used solely for the purpose of driving under the influence prosecution in the magistrate and circuit courts. Payment shall be made as soon after the beginning of each quarter as practical. The Prosecution Coordination Commission shall retain information and data on driving under the influence prosecutions and shall provide the General Assembly with an annual report no later than 60 days after the conclusion of the fiscal year of those charges prosecuted by assistant solicitors compensated with these funds. The report shall at a minimum include an accounting of the expenditure of the funds as well as information and statistics regarding the location, the number and type of driving under the influence charges, the number of cases prosecuted, and the disposition of the cases.

Criminal Justice amendment # 3

Proviso Subcommittee Meeting

February 3, 2009

Proposed Amendment

Sponsor: Rep. Young

New Proviso:

SLED

Section 48

From the funds appropriated to the agency during the current fiscal year, \$10,000 shall be transferred to the Town of Perry for narcotics law enforcement equipment.

55.5. (CMA: Student Achievement and Vision Education) ~~The Commission for Minority Affairs is directed to study the economic and social impact of state funded programs that serve counties experiencing demographic shifts in the minority populations. The commission shall also study the programs and structures that contribute to or by their absence, exacerbate the problem of poor student achievement and socioeconomic deprivation. The commission is directed to identify all funding to programs and services that support family well being in South Carolina. To identify and document gaps and duplication of services, the commission is directed to collect information regarding spending and programming from the following state agencies that will by virtue of this proviso be required to comply. The following state agencies are required to provide information to the Commission for Minority Affairs: Adjutant General's Office (Emergency Management Division), Department of Agriculture, Department of Alcohol and Other Drug Abuse Services, Commission for the Blind, Budget and Control Board, Department of Commerce, Department of Consumer Affairs, Department of Corrections, School for the Deaf and the Blind, Department of Disabilities and Special Needs, Education Oversight Committee, Department of Education, Educational Television Commission, Employment Security Commission, Governor's Office, Department of Health and Environmental Control, Department of Health and Human Services, State Housing, Finance and Development Authority, Department of Juvenile Justice, Department of Mental Health, Department of Probation, Parole and Pardon Services, Department of Social Services, state colleges and universities, and other agencies as the commission deems appropriate. The commission shall compile reports that identifies strengths, weaknesses, and gaps in program support activities that should be addressed to increase positive outcomes to help close the achievement gap, provide community supports that strengthen families, and address inequities confronting minorities in the State. The report shall make recommendations regarding the reallocation of funding, restructuring of agencies and services, and the need for new programs or incentives for public-private partnerships. The report(s) shall be issued to the Governor, the President Pro Tempore of the Senate, the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Speaker of the House of Representatives, the Chairman of the House Ways and Means Committee, the Chairman of the House Education and Public Works Committee, the Chairman of the Legislative Black Caucus and the State Superintendent of Education and State Agency Heads on or before the first Tuesday of February 2009 for consideration and further legislative action.~~

56.1. (PSC: Real-Time Closed Captioning - Major Media Markets) The Public Service Commission is authorized and instructed to expend up to ~~\$810,000~~ \$610,000 *in form of a credit* from the Dual Party Relay Fund in order to continue real-time closed captioning of locally produced news services ~~for the four television stations that are currently providing the service at a maximum of one television station in each of the four markets that are currently served.~~

Each station shall receive a reimbursement based on actual expenses incurred in providing real time closed captioning services up to a maximum expenditure of \$152,500 each during Fiscal year 2009-10. Any expenditure over this amount would be the sole responsibility of the station and the state would provide no credit or reimbursement.

The purpose of the voluntary project is to allow for the deaf and hard-of-hearing citizens of our state to have real-time access to news and weather information. Only expenditures directly related to real-time closed captioning can be funded from this appropriation. This proviso will remain in effect through June 30, 2009, 2010 ~~or until such time as a contract for real-time closed captioning may be awarded, whichever comes first.~~

To be eligible to participate in the program and receive reimbursement from the state, the station within each market that produces the greatest amount of news on average for the past three year period would have the right of first refusal to participate in the project. Stations would be able to seek reimbursement quarterly from the Public Service Commission by submitting a detailed billing of what programs have been captioned.

News programs shall be defined as any locally produced regularly scheduled newscasts as well as non-regularly scheduled events such as debates, community meetings, etc. As long as these guidelines are followed, the stations would be solely responsible for choosing what programs would be captioned.

65.8. (LLR: Board of Pharmacy-Pharmacy Technician Certification Requirements) ~~During Fiscal Year 2008-09, of the funds appropriated to the Department of Labor, Licensing and Regulation for Professional & Occupational Licensing, a one time certification process must be implemented for the certification of Pharmacy Technicians who have met the academic and supervised practice requirements as of June 30, 2004, but not all of the required information was submitted in accordance with the Board's submission requirements. These individuals must have met all the requirements of Section 40-43-82 (A), (B), (C).~~

67.prp. (ESC: Federal and Earmarked Prior Year Payments) The Employment Security Commission shall be allowed to pay federal and earmarked prior year obligations with current year funds.

65.11. (LLR: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions, the Department of Labor, Licensing, and Regulation shall be authorized to spend agency earmarked and restricted accounts to maintain critical programs previously funded with general fund appropriations. Any increase in spending authorization for these purposes must receive the prior approval of the Office of State Budget.

Rep White

Leg-2

Notwithstanding any other provisions of law, any agency planning to implement a reduction in force plan shall eliminate any TERI employee who does not have grievance rights under the State Employee Grievance Procedure Act who would be in the same proposed competitive areas and competitive groups that would be contained in the reduction in force plan before the agency can implement the reduction in force plan.

Rep White

Leg-3

72. _____ (GOV: OEPP: Administration of Cabinet Agencies)

In an effort for cabinet agencies to be more efficient regarding administrative functions, there is created the Cabinet Agency Administration within the Governor's Office of Executive Policies and Programs. The newly created office will coordinate all responsibilities and duties related to the administrative functions of all cabinet agencies. The Governor's cabinet agencies are directed to consolidate, where possible, like services among the agencies. Like services shall include, but are not limited to, finance, human resources, transportation, and technology services. Cabinet Agency Administration is directed to report the cost savings associated with the consolidation. The report shall be submitted to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor by December 31, 2009. Cabinet agency directors must report time spent away from their main office during the agency's core business hours when this time is not related to the agency's mission. This information must be reported monthly to the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee. The Legislative Audit Council shall conduct audits on all cabinet agencies.

89.72. (GP: Assessment Audit) (1) Based upon a random selection process, the State Auditor shall periodically examine the books, accounts, receipts, disbursements, vouchers, and any records deemed necessary of the county treasurers, municipal treasurers, county clerks of court, magistrates, and municipal courts to report whether the assessments, surcharges, fees, fines, forfeitures, escheatments, or other monetary penalties imposed or mandated, or both, by law in family court, circuit court, magistrates court, and municipal court are properly collected and remitted to the State. In addition, the purpose of these audits is to determine if the proper amount of funds have been reported, retained, and allocated for victim services in accordance with state law. These audits must be performed in accordance with standard auditing practices to include the right to respond to findings before the publishing of the audit report. The State Auditor is directed to submit a copy of the completed audit report to the Chairmen of the House Ways & Means Committee, Senate Finance Committee, House Judiciary Committee, Senate Judiciary Committee, and the Governor. If the State Auditor finds that any authority has over remitted the state's portion of the funds collected by the authority ~~or over reported or over retained crime victim funds~~, the State Auditor shall notify the State Treasurer to make the appropriate adjustment to the authority. If the State Auditor finds that any authority has under remitted, incorrectly reported, incorrectly retained, or incorrectly allocated the state ~~or victim services~~ portion of the funds collected by the authority, the State Auditor shall determine where the error was made. If the error is determined to have been made by the county or municipal treasurer's office, the State Auditor shall notify ~~the State Office of Victim Assistance for the crime victim portion~~ and the chief administrator of the county or municipality of the findings and, if full payment has not been made by the county or municipality within ninety days of the audit notification, the State Treasurer is directed to adjust the authority's aid to subdivisions funding in an amount equal to the amount determined by the State Auditor to be the state's portion; or equal to the amount incorrectly reported, retained, or allocated pursuant to Sections 14-1-206(B)(D), 14-1-207(B)(D), 14-1-208(B)(D), and 14-1-211(B) of the 1976 Code. If the State Auditor finds that any authority has not properly allocated revenue generated from court fines, fines and assessments to the crime victim funds or has not properly expended crime victim funds, the State Auditor shall notify the State Office of Victim Assistance. The State Office of Victim Assistance is hereby authorized to conduct programmatic reviews on any entity receiving victim assistance funding to ensure that crime victim funds are expended in accordance with the law. Any local entity who receives funding from victim assistance is required to submit their budgets to the State Office of Victim Assistance within thirty days of the budget being approved by the local governing entity. In addition, any entity receiving victim assistance funding must cooperate and provide expenditure/program data requested by the State Office of Victim Assistance. If the State Office of Victim Assistance finds an error, the entity has ninety days to rectify the error. An error constitutes an entity spending victim assistance funding on unauthorized items. If the entity fails to rectify the error within ninety days, the State Office of Victim Assistance shall notify the State Treasurer. The State Treasurer shall withhold twenty-five percent of the entities aid to subdivisions until the State Office of Victim Assistance notifies the State Treasurer that the entity has rectified the error. The State Office of Victim Assistance may assess and collect a penalty of not more than \$5,000 against the entity for improper expenditures in a fiscal year. All

penalties receive by the State Office of Victim Assistance shall be credited to the General Fund of the State. If an error is determined to have been made at the magistrate, municipal, family, or circuit courts, the State Auditor shall notify the responsible office, their supervising authority, and the chief justice of the State. If full payment has not been made by the court within ninety days of the audit notification, the chief magistrate or municipal court or clerk of court shall remit an amount equal to the amount determined by the State Auditor to be the state's portion or the crime victim fund portion within ninety days of the audit notification.

(2) The State Auditor is further authorized to conduct these examinations and the local authority is required to participate in and cooperate fully with the examination. The State Auditor is authorized to subcontract with independent auditors on audits required in subsection (1). The State Auditor is encouraged to create an audit team to perform these audits. The State Treasurer is authorized to transfer the first \$10,900 received from the General Sessions Court pursuant to Section 14-1-206, the first \$136,600 received from the Magistrates Court pursuant to Section 14-1-207, and the first \$102,500 received from the Municipal Court pursuant to Section 14-1-208 for a total of \$250,000 dollars to the State Auditor's Office to fund these audits as required in subsection (1). A state agency or local governmental entity receiving assessments, surcharges, fees, fines, forfeitures, escheatments, or other monetary penalties imposed or mandated, or both, by law in family court, circuit court, magistrates court and municipal court is authorized to use any of their funds to assist the State Auditor's Office in funding these audits.

(3) Each municipality shall submit a copy of its annual audit report as provided in Section 5-7-240 of the 1976 Code without charge to both the State Treasurer's Office and the State Auditor's Office within thirty days of such report being made public. If a municipality fails to provide the copy of the annual audit within the above prescribed time period the State Treasurer's Office is authorized to withhold the municipality's aid to subdivision until the annual audit report is properly filed.

(4) The State Treasurer's Office and South Carolina Court Administration shall make available annually training on the collection and distribution of assessments, surcharges, fees, fines, forfeitures, escheatments, or other monetary penalties imposed or mandated, or both, by law in family court, circuit court, magistrates court and municipal court for the counties, municipalities, and court employees.

(5) The State Treasurer is authorized to transfer \$2,000 received from the General Sessions Court pursuant to Section 14-1-206, \$5,000 received from Magistrates Court pursuant to Section 14-1-207, and \$3,000 received from Municipal Court pursuant to Section 14-1-208 for a total of \$10,000 to fund annual training on the collection and distribution of assessments, surcharges, fees, fines, forfeitures, escheatments, or other monetary penalties imposed or mandated, or both, by law in family court, circuit court, magistrates court, and municipal court for the counties, municipalities, and court employees. The State Treasurer's Office and South Carolina Court Administration shall be responsible for the annual training prescribed by this section.

No. 1

39. Film Marketing

From the funds authorized to the Department of Parks, Recreation & Tourism in Section 39, Part IA, for the South Carolina Film Commission of this act, the department may use the film marketing funds for the following purposes: 1) to allow for assistance with recruitment and infrastructure development of the film industry; 2) to develop a film crew base; 3) to develop ally support in the film industry; and 4) marketing and special events.

No. 2

39. Motion Picture Rebate

From the amount set aside pursuant to Section 12-62-50, the South Carolina Film Commission may rebate to a motion picture production company, up to twenty percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings employed in connection with the production. From the amount set aside pursuant to Section 12-62-60, the South Carolina Film Commission may rebate to a motion picture production company up to thirty percent of the expenditures made by the motion picture production company in the State. Motion picture production companies that have previously been approved at the lower percentages may reapply for the higher percentages only if the project that was approved is still in production in South Carolina as of the effective date of this proviso.

No. 3

39. Motion Picture Administration Application Fee

The Department of Parks, Recreation & Tourism ~~Coordinating Council for Economic Development~~ may charge an application fee for the Motion Picture Incentive programs and may retain and expend these funds for the purposes of meeting administrative, data collection, credit analysis, cost-benefit analysis, reporting and auditing, and other statutory obligations. A fee schedule must be established and approved by the Director of the Department of Parks, Recreation & Tourism ~~Coordinating Council for Economic Development~~.

75.7. (CG: Purchasing Card Rebate Program) The Comptroller General's Office is authorized to retain the first \$50,000 \$100,000 of rebate associated with the Purchasing Card Program and \$200,000 of agency incentive rebates. ~~In addition, the Comptroller General's Office shall be authorized to retain a portion of the increase, if any, in Purchasing Card Program rebates which exceeds the average of the corresponding rebates received by the general fund during the last three fiscal years, provided that the general fund and the Comptroller General's Office shall share equally any such increase in rebates. The Comptroller General's Office total share of such increase shall not exceed \$150,000. Unexpended retained amounts shall be carried forward into the current fiscal year and must be used for the SCEIS program. Any funds retained in accordance with this provision by the Comptroller General's Office or any cash balances in Subfund 37G7, Purchase Card Incentive Rebates, must be transferred to the Department of Education for the purchase of school bus fuel.~~ The funds retained may be used to support the operations of the Comptroller General's Office and any unexpended balance may be carried forward from the prior fiscal year to the current fiscal year and utilized for the same purposes.

Rep. White
LEG-7

DELETE PROVISIO.

~~75.5. (CG: Suspension of Withholding) Counties and municipalities receiving revenues from state aid, described in Part IA of this act as "aid to subdivisions", shall submit to the State Budget and Control Board, Office of Research and Statistics, Economic Research Section, a financial report detailing their sources of revenue, expenditures by category, indebtedness, and other information as the Economic Research Section requires. The Economic Research Section shall determine the required content and format of the annual financial report. The financial report for the most recently completed fiscal year must be submitted to the Economic Research Section by November fifteenth of each year. If an entity fails to file the financial report by November fifteenth, then the chief administrative officer of the entity must be notified in writing that the entity has thirty days to comply with the requirements of this paragraph. The Director of the Office of Research and Statistics, for good cause, may grant a local entity an extension of time to file the annual financial report. Notification by the Director of the Office of Research and Statistics to the Comptroller General that an entity has failed to file the annual financial report thirty days after written notification to the chief administrative officer of the entity must result in the withholding of ten percent of subsequent payments of state aid to the entity until the report is filed. The Economic Research Section is responsible for collecting, maintaining, and compiling the financial data provided by the counties and municipalities in the annual financial report required by this paragraph.~~